

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, SEPTEMBER 6, 2005.

Board Members Present: **John F. Coates, Chairman**
 Steven E. Nixon, Vice-Chairman
 William C. Chase, Jr.
 Sue D. Hansohn
 James C. Lee
 Brad C. Rosenberger
 Steven L. Walker

Staff Present: Frank T. Bossio, County Administrator
 J. David Maddox, County Attorney
 Valerie H. Lamb, Finance Director
 John C. Egertson, Planning Director
 Paul Howard, Director of Environmental Services
 Peggy S. Crane, Deputy Clerk

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Chase led the members of the Board and the audience in the Pledge of Allegiance to the Flag.

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Nixon moved, seconded by Mr. Lee, to accept the agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of August 2, 2005 regular meetings were presented to the Board for approval.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving an acceptance and appropriation of a grant for the Sheriff's Office from the U. S. Department of Homeland Security, through the Virginia

Department of Emergency Management, in the amount of \$24,986.70.

b. The Board will consider approving a budget transfer from the Operational Transfer Account to the Risk Management Budget for Government Employee Safety and Health Training for FY 06 in the amount of \$11,500.

c. The Board will consider awarding a contract to Moseley Architects for a Facility Planning Study in the amount of \$90,500.

d. The Board will consider acceptance and appropriation of a grant for the Options Program received from St. Stephen's Episcopal Church in the amount of \$3,000.

e. The Board will consider a request from the Office of Emergency Services to apply for two grants through the Virginia Department of Health to purchase two (2) type III Ambulances. Based upon the grants allocations, the Office of Emergency Services will match funding for the purchase in the FY 07 budget cycle.

Mr. Walker moved, seconded by Mr. Nixon, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

SPECIAL SAFETY AUDIT PRESENTATION

Mr. Coates asked the Vice Chairman and Mrs. Tanya Woodward to come forward for the presentation of a special safety audit certificate to recognize the Culpeper Regional Airport. Mr. Nixon read the following letter and safety certificate into the record:

July 18, 2005

Ms. Sheila Farmer-Dumas
Department of Risk Management

...

Dear Sheila:

We recently had the opportunity to conduct an Aviation Safety Audit of the Culpeper Regional Airport and would now like to recognize your commitment to aviation safety by awarding you this Certificate. While we do numerous Aviation Safety Audits, only a select few are recognized for their excellence. You and your county airport employees can be justifiably proud of your interest in safety and your demonstrated record of superior performance. We are truly proud to provide your insurance coverage and greatly appreciate your efforts toward aviation safety.

Very truly yours,

PHOENIX AVIATION MANAGERS, INC.
/s/ Thomas E. Harris
Manager, Inspection Services Department

Phoenix Aviation Managers, Inc.
Aviation Safety Excellence
This Certificate is Presented to
Culpeper Regional Airport
In recognition of demonstrated excellence
and commitment to Aviation Safety
as noted during its recent
Aviation Safety Audit conducted
June 22, 2005
/s/ Thomas E. Harris /s/
Evaluator President

Ms. Woodward thanked the Board for the recognition.

Mr. Bossio commended Mr. Jeff Miller, an Airport employee who was leaving to serve his country in Iraq, and thanked him for his accomplishments and dedication. Mr. Coates added the Board's thanks and wished Mr. Miller a safe return.

CONSIDERATION OF REQUEST FOR MATCHING FUNDS TO MEET STATE FUNDING

Dr. Lilian Peake, District Health Director, requested the Board to consider a local match of \$4,707 to allow the Culpeper County Health Department to be eligible for an additional \$6,108 in State funds. She explained that the State was providing funds to all Health Departments to be used for salary increases for public health dentists and for a full-time health educator. She said that Culpeper was one of the few District Offices that did not have a health educator on staff to plan and implement targeted health education campaigns in the County.

Mrs. Hansohn asked whether a dentist was on staff at the present time. Dr. Peake replied that there was one dentist for the five counties, but he was no longer located in Culpeper County. She said the Health Department had previously used a trailer at one of the elementary schools, but was asked to move it, and the trailer had been relocated to Rappahannock County.

Mrs. Hansohn asked whether the dentist could be relocated to Culpeper if space were available. Dr. Peake stated that she had submitted a grant for funds to employ a dental hygienist and to obtain a facility and, if that grant were successful, the dentist could rearrange his schedule in order to provide dental services in Culpeper.

Mrs. Hansohn stated that the funds would be more useful to the citizens of Culpeper if they were applied toward a dentist. Dr. Peake agreed, but pointed out that the State had identified the need for a health educator and was providing funds specifically for that position.

Mr. Coates agreed with Mrs. Hansohn that dental services and a facility were needed in Culpeper County because many people who required services did not have the funds to commute to one of the other counties. He asked that County staff work with Dr. Peake on this issue.

Mr. Lee moved, seconded by Mr. Nixon, to approve the request for a local match of \$4,707 in order to receive additional State funds.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

UPDATE ON NEEDS ASSESSMENT FOR HEALTHY CULPEPER

Dr. Peake reported that the Rappahannock-Rapidan Health District, in conjunction with Healthy Culpeper, recently conducted a health needs assessment for Culpeper County. She explained the process used to gather information and develop a community strategic plan before presenting the following key findings:

Culpeper had an astonishing rate of growth between 1990 and 2002, almost double that of the State. The birthrate remained fairly stable and did not account for all of the growth, and persons moving into the County was an important contributing factor. The population in Culpeper was expected to continue to grow, doubling between 1990 and 2020.

The percentage of Culpeper residents age 45 and up, was expected to increase between 2000 and 2020, while the number of working adults age 25 to 44 was expected to decrease. Culpeper community groups expressed concerns about emerging needs for the elderly.

The number of Hispanic Culpeper residents increased dramatically between 1990 and 2000, and that number was likely higher due to illegal immigration. This increase impacts the Health Department and other human services agencies.

Culpeper County had more residents living in poverty than the other counties in the PD 9 region. The percentage of persons living below poverty remained relatively constant during the 1990s when the County experienced exceptional growth. Children were the most affected age group, and almost half of Culpeper's adolescents surveyed did not live in a two-parent household.

The teen pregnancy rate was declining, decreasing in all age groups between 1996 and 2003, but the rate for black teens was double that of whites and the rate of other races nearly tripled.

PD 9 had the highest rate of neural tube defects in the State. This rate could be reduced by 50 to 70 percent if all women received 400 micrograms of synthetic folic acid every day before pregnancy.

The leading cause of death in children was unintentional injuries, mostly by motor vehicle accidents. Most people are using child car seats, but there was still a problem with proper usage. Young adults died from unintentional injuries, homicide and suicide. One in 4 Culpeper adolescents reported carrying a weapon. One in three Culpeper adolescents reported depression and one in five suicidal ideation. Culpeper residents received the greatest number of substance abuse intervention services from the Rappahannock-Rapidan Community Services Board, which may be associated with accidents, violence and depression.

The rates of lung and prostate cancer death were lower than the State's, but the rates of colorectal and breast cancer death were higher. More screening tests for breast and colorectal cancers could lead to earlier diagnoses.

Culpeper residents had a higher rate of hospitalization due to diabetes than the State. One in three Culpeper 9th graders exceeded a healthy weight, a risk factor for Type II diabetes, and one in three PD 9 residents reported no time for leisure time physical activity.

Culpeper had an increasing number of restaurants, requiring monitoring to ensure safety food handling. Culpeper had a higher rate of new cases of Chlamydia and AIDS than PD 9 and the State. PD 9 continued to have a high rate of whooping cough; the vaccine waned around adolescence sometimes leading to outbreaks.

Culpeper community groups surveyed were concerned about access to medical care, especially dental care: Fourteen percent of Culpeper residents had no form of insurance; Culpeper was doing better than the State in enrolling eligible children in FAMIS or Medicaid; Culpeper was very close to an average number of physicians compared to the State; and Culpeper had a relatively low number of dentists, while an average number of residents were receiving dental care compared to the State.

A copy of Dr. Peake's presentation is available in the County Administration's office or on the County's website.

Mr. Chase expressed concern regarding suicide among teens and young adults. Dr. Peake provided information regarding the public health campaign designed to address that issue.

Mrs. Hansohn expressed concern regarding Culpeper's high level of poverty, while the unemployment rate remained low. Dr. Peake stated that she would discuss that issue with the Healthy Culpeper Board and try to determine the reasons.

Mr. Bossio stated the information provided would be helpful in identifying where to focus educational programs, such as the proper usage of helmets by children riding their bikes or ATV's.

Mr. Walker asked what dollar amount was considered to be the poverty level. Dr. Peake replied that the information provided was based on \$18,000 for a household of four.

Mr. Coates thanked Dr. Peake for the excellent presentation.

Mr. Coates recessed the meeting at 11:00 a.m.

Mr. Coates called the meeting back to order at 11:12 a.m.

DISCUSSION OF EDUCATIONAL PROGRAMS FOR THE NEW HIGH SCHOOL

Mr. Coates acknowledged several members of the School Board and school staff in attendance, as well as Mr. Joe Daniel, Chairman of the School Oversight Committee, and thanked them for attending.

Mr. Bossio stated that Dr. David Cox, Division Superintendent, was present to discuss educational programs at the new high school. He explained that Dr. Cox had been unable to attend last month's meeting at which Mr. Hunter Spencer, School Division Construction Project Manager, discussed school construction costs. He said that Dr. Conti was not present today due to the death of his mother, and he was in the thoughts and prayers of the Board and County staff.

Dr. Cox thanked the Board for the opportunity to discuss proposed educational programs for the new high school. He said that Dr. Conti was an integral part of the process that led to the development of the program design for the new high school, but Dr. Conti was currently with his family.

Dr. Cox introduced Mrs. Randi Richards-Lutz, Administrator for Career and Technical Programs for the County; and Ms. Sue Venable-Shelton, Chair of that Department at the High School, and stated that Mrs. Richards-Lutz would provide a basic overview of the Career and Technical Programs and answer any questions the Board may have.

Mrs. Richards-Lutz informed the Board that she taught Career and Technical Education for six years at the High School, worked in administration for technical education, and was now at the County level. She explained there were five State-mandated Career and Technical Program areas at the High School:

1. Agriculture, with subgroups for Small Animal Care and Veterinarian Assistant Program; Horticultural, which included the greenhouse production; and Agricultural Mechanics.
2. Business, with subgroups for CISCO, which used to be considered technology, but was now business; Web Design; and Information Technology Fundamentals.
3. Family and Consumer Science, broken into Life Planning, an introduction course offered to anyone at the High School; Parenting and Early Childhood Education; and Nutrition and Wellness, which was the feeder program for the Culinary Arts Program.
4. Marketing Education, with the areas of Fashion Merchandising; Sports Marketing; and General Marketing, where students participate in Cooperative Education (one part classroom instruction, the other part working in the community).
5. Technology, with subgroups for Advertising Design; Electronics; and Architectural Drawing, in which the CADs System was used.

Mrs. Richards-Lutz stated that 61 percent of the student population were enrolled in the Career and Technical Program during the first semester. She said there had been a shift from years past when students took these various courses as electives, and a lot of students were selecting Computer/Technology courses whether they were planning to enter the workforce and post-secondary education.

Mrs. Richards-Lutz extended an invitation for the members of the Board to visit and see the programs in operation.

Mrs. Hansohn asked whether all of these programs would be offered at the new High School. Mrs. Richards-Lutz replied that the Culinary Arts Program, the greenhouse courses and the agricultural program would not be duplicated at the new high school, nor would ROTC, which was not a part of Career/Technical. She said that the new programs being offered at the new high school were broadcasting, nursing, and an onsite childcare facility. She said that Early Childhood Education was offered at the current high school, but students were bussed to the elementary schools to work with the younger children.

Mrs. Hansohn asked whether welding, carpentry or automotive would be offered at the new high school. Mrs. Richards-Lutz replied that they were not planned for the new high school, but automotive was being offered through Germanna Community College at Piedmont, and there were nine students currently enrolled.

Mr. Bossio asked whether the various courses listed under the State-mandated categories were also mandated by the State. Mrs. Richards-Lutz replied that the School System selected the courses under each category based upon student demand. She said the

Board members, faculty and student representatives met four to five times a year to review the needs of the students, and they recommended to the School Board the various courses they believed would meet those needs.

Mr. Walker asked Mrs. Richards-Lutz to elaborate on the concept of the Career Academy. Mrs. Richards-Lutz explained that the concept of the Career Academy was to place students into groupings of their career choices, such as the current career choice groups of Engineering and Technology, Health and Human Services, and Business and Marketing. She said students were placed in these courses together as a cohort and they traveled through 10th, 11th, and 12th grades together, while taking some of their core classes together, such as English and U. S. History. She noted that classes were integrated together so teachers could team teach and do hands-on activities through the Career/Technical programs.

Mr. Walker asked whether course selection was designed for jobs that might be available within the local economy. Mrs. Richards-Lutz replied that it was the intent of Career Partners, through the Career Academy, that students would go through that program and return to the local jobs, whether straight out of high school or after they completed their post-secondary education.

Mrs. Hansohn and Mrs. Richards-Lutz discussed the various programs and electives within Career Partners. Mrs. Hansohn expressed her concern regarding the underutilization of the classrooms for students in the program, while students in regular classes, such as English and Social Studies, were overcrowded. She said she was concerned that teachers were not being fully utilized. Mrs. Richards-Lutz stated there were currently 62 Career Academy students in the Sophomore class, and 48 students in the Junior class, which averaged out exactly the same as students in the regular English and History classes.

Mrs. Hansohn asked Dr. Cox whether he had a plan to deal with any increased costs for the construction of the new high school that might result from the recent tragedy in the Gulf Coast caused by Hurricane Katrina. She said that \$53 million had been targeted for the project, and she was concerned there might be insufficient funds should the price of materials rise significantly.

Dr. Cox stated that he was deeply concerned for the people in the Gulf Region for the devastation that recently occurred and, as a point of information, two students from families of relatives from that area had already been enrolled in Culpeper schools. He said that to answer Mrs. Hansohn's question, he felt it was too early to anticipate what the effects that situation may

have on the construction market, and he probably would not know the impact until the results came back with the bids.

Mrs. Hansohn stated she did not agree it was too early to consider the effects, especially with the increases in the price of fuel. Dr. Cox agreed that fuel costs would be a factor in the bids received and asked Mr. Hunter Spencer for his comments.

Mr. Spencer said he would be looking at various ways to construct the building in order to achieve some deductive alternates, such as reducing the amount of space and how to adapt the final bid to conform to what had to be done. Mrs. Hansohn said she was aware that the School Oversight Committee had been studying alternatives, but in light of recent events, it was important to have a specific plan prepared for any increases in construction materials.

Dr. Cox stated Mrs. Hansohn made a good point, but it was too early to know how the events in the Gulf Coast would affect the construction costs. He said the bids would have to be adjusted once that information was known.

Mr. Coates thanked Mrs. Hansohn for bringing the matter to the Board's attention and stated it might be a matter for a future meeting with Dr. Cox and Mr. Spencer.

Mr. Walker stated he was interested in whether programming was driving the cost of the new high school. He asked whether the two high schools would be divided by district and whether students would be bussed between the two schools for programs not being offered at both schools, such as ROTC.

Dr. Cox replied that the program for the new high school was an exact replication of the program at the existing high school and students would have the same experiences offered to them, with the exceptions noted by Mrs. Richards-Lutz, ROTC, the greenhouse, agriculture classes, and the culinary arts. He said the Culinary Arts Program would be located on the first floor of the Building in the Middle, and those programs were available to any student in the County. He said that if a student at either school wanted to participate in a program not offered at the other school, that student would have that opportunity to attend the school at which the program was offered or be transported between schools. He said it was the intent to make available a full complement of programs to all County high school students. He said that the schools would likely be divided by district, to be determined by where the student lived, but some movement would be allowed to meet the needs of the students.

Mr. Walker noted there was a much higher level of special needs in the existing high school than the new high school. Dr. Cox pointed out that the severe and profound program

would probably not be available at both schools unless there was increased need at a future time.

Mr. Chase pointed out that the Career and Technical Program had 12,250 square feet in the new high school and he did not understand why that much space was required.

Mrs. Richards-Lutz replied that the State mandated that no more than 20 students could be in a lab setting, such the agriculture or the culinary arts with special equipment that may be hazardous; and no more than 20 work stations for business courses with computers. Dr. Cox added that not all Career/Technical courses required lab space and those students were taught in regular classrooms. Mrs. Richards-Lutz noted that the 12,250 square feet covered the entire Career/Technical program, including the large area devoted to the agricultural lab.

Mr. Nixon stated it was his understanding when going through the design of the new high school that some new programs would be offered. Mrs. Richards-Lutz assured him that three new programs were being offered: Broadcasting, Nursing, and an on-site child care facility for the Early Childhood Education Program.

Dr. Cox stated that the course catalogue changed each year, and every year there were several new classes were being offered. He said it was important to remember that the new high school was designed for flexibility so that when programs changed over time, the school could be easily expanded because of the materials used in constructing the walls and accommodation for programs in the new lab space could be met by moving furniture and equipment since they would not be bolted to the floor.

Mr. Bossio pointed out that since most of the alternative education program was conducted after school, it could be done at either school and would not affect the building design. Dr. Cox agreed. He said the alternative education program began at 3:30 p.m. and ran until 6:00 p.m., and it was designed to optimize flexibility.

Mr. Nixon stated that from his experience in the building trade, he felt there would be some substantial increases in construction costs due to the effect of the recent hurricane. He asked whether consideration had been given to how these increased costs would affect the programs to be offered at the new high school. Dr. Cox agreed there was a lot of uncertainty regarding what the increased costs would be, and decisions may need to be made regarding the programs after the estimates of increased costs were known.

Dr. Cox thanked the Board for providing the \$53 million to build the new high school.

VACATION AGREEMENT/STREET EXTENSION–RILLHURST SUBDIVISION–SECTION 4

Mr. Nixon announced he had a statement on file with the Deputy Clerk regarding a conflict of interest in this case, and he would not participate in the debate and would abstain from voting.

Mr. John Egertson, Planning Director, stated that Graystone Homes had submitted a proposed agreement and accompanying plat for the Board's consideration, pursuant to Section 562 of the Subdivision Ordinance. He explained that Graystone Homes had recently received approval and recorded a plat for Section 4 of Rillhurst Estates, which would tie together Sections 1 and 3 of Rillhurst, now a "closed" subdivision. He said that Graystone Homes was requesting that one of the cul-de-sacs in the new section be extended forward to adjoin and enter a 30-acre residentially zoned property so that additional lots could be developed. He stated that because the Section 4 plat had been recorded under the Subdivision Ordinance, a street could not be amended and the vacation for this street extension could not be approved unless (1) The Board advertised an ordinance, held a public hearing, and allowed it through a new ordinance; or (2) Graystone obtained the approval of all of the owners in Section 4, which they had done, and received the approval of the Board to allow the extension of the street and the vacation of a lot line.

Mr. Egertson stated that he and the Planning staff were opposed to the action for the following reasons:

1. The approval of the street extension would provide for development of approximately 30 acres of R-1, residentially zoned property.
2. The existing cul-de-sac, once extended to the beginning of the new 30-acre parcel, would already be in excess of 1,000 feet, the maximum length of a cul-de-sac under the Subdivision Ordinance. This would further increase the potential for extending the street beyond the adjoining tract with more traffic and more development introduced into that area.
3. Rillhurst Drive, located in the older section of Rillhurst, would be upgraded as part of the development of Section 4, and Rillhurst Drive could handle additional traffic, but the connection of Rillhurst Drive to Norman Road (Route 633) would not include any turn lanes or other entrance improvements and, from a traffic standpoint, would be unwise to allow additional traffic to proceed through that street.
4. The residents in Section 1 of Rillhurst have always known that Section 4 would occur and tie all four sections into this loop, but there would be the issue of fairness in introducing 30 more acres and the potential of much more residential development into that area.

Mr. Egertson stated that Graystone Homes would point out that Section 4, as it was originally planned, had a stub street into additional property, but all stub streets were removed when platting Section 4 with Graystone Homes. He said it would not be advisable to change it back to allow a new connection, and he recommended that the request be denied.

Mr. Walker asked how many property owners were in Section 4. Mr. Egertson replied there were 43 lots, with three property owners, and Graystone Homes owned the balance of the lots.

Mr. Anthony M. Clatterbuck, President of Graystone Homes, Inc., asked that the contract owner speak first.

Mr. Robert E. Bouquet stated that he and his wife owned the 30 acres in question, but he would be discussing two pieces of property that were interrelated, one of which may have some benefits to the County. He said he bought the farm containing a small house and big hay barn approximately five years ago, kept horses and cattle, and grew hay, and participated in the program that required streams to be fenced off, trees planted along the stream bank, etc. He said he purchased the 30 acres in question approximately a year after he bought the farm not only to enlarge his acreage and to gain access to the main creek that ran through his farm on its way into Mountain Run and Lake Rillhurst, but to have the land with R-1 zoning. He explained that it was his intent to place his 172-acre farm into a conservation easement, and he had been in contact with the Piedmont Environmental Council and the Virginia Outdoor Foundation, but in order to do this, he would need to sell the 30-acre parcel. He said that he knew Mr. Clatterbuck would develop it properly with approximately eight or nine homes. He indicated that the access to the 30 acres was a road known as "Turkey Track" and it would not be adequate to use as an entrance for development. He asked for the Board's approval to use the property as it was intended.

Mrs. Hansohn asked whether the farm was operated as a business. Mr. Bouquet stated it was not, but he did farm the land and had livestock.

Mr. Walker asked whether the proposed conservation easement could be made a part of the request and be put in place upon sale of the property. Mr. Bouquet stated he would have no objection. Mr. Egertson pointed out that conservation easements were encouraged, but the R-1 property in question had nothing to do with Mr. Bouquet's farm.

Mrs. Hansohn expressed concern that putting another road through Rillhurst would enable other people to travel through that subdivision. Mr. Egertson agreed that was also a major concern of his.

Mr. Coates stated that Rillhurst Subdivision was in his District and he was trying to understand the situation. Mr. Egertson reviewed the proposal and stated that re-platting a street to extend to the adjoining property was a concern because it could result in a long cul-de-sac which was in conflict with County Ordinances.

Mr. Rosenberger indicated that since the proposed cul-de-sac would exceed the limitation currently in the Subdivision Ordinance, Mr. Egertson would be "gutting" that Ordinance by providing a stub street into the next property. Mr. Egertson did not agree that the Ordinance would be "gutted" but did agree it would be compromised by allowing the stub street.

Mr. Coates pointed out that the proposed access would be utilizing Rillhurst Drive, which was a local street to be upgraded as part of the existing development. He stated at the time the original subdivision was approved, he questioned why no provisions were made to improve Alphin Lane since it provided a right-turn at Norman Road, but the County relied solely on VDOT for its recommendations and it was not done.

Mr. Rosenberger stated that there was no guarantee that the development would be limited to eight or nine lots because there was the potential for 15 without public water and sewer.

Mr. Walker asked for clarification regarding possible action that could be taken by the Planning Commission. Mr. Egertson stated that if the Board approved the request, Mr. Clatterbuck could submit a subdivision plat with eight or nine lots, and ask the Planning Commission for a waiver for a 1,000-foot cul-de-sac, which would require approval by the Board.

Mr. Anthony Clatterbuck stated he would speak to several issues raised by the Board. He said when the preliminary plat for Rillhurst Section 4 was approved, there was a stub street designed to go through to Mr. Bouquet's current farm, but the Planning staff felt it would be better to close off that extension and he agreed. He pointed out that the subject property was zoned R-1, but only eight or nine lots had been identified because of the topo of the property. He said he had a verbal agreement with the Alphins when he bought the property regarding his plans for development and he would keep his word to proceed exactly as planned. He stressed that he would not be cutting the land into small lots, and he would not be installing a private water system.

Mr. Clatterbuck said the Ordinance stipulated that a cul-de-sac could not extend past 1,000 feet if it were on a public road and 2,500 feet on a private road, but the Ordinance does allow for extension of a street, which he had requested. He said he would be agreeable to go

before the Planning Commission to request a waiver if the Board approved the request. He explained that the small addition to Rillhurst would not have a huge impact on the residents since VDOT estimated approximately 90 trips per day on a road that he had agreed to upgrade.

Mr. Walker asked whether the road in front the Rillhurst Subdivision could be improved. Mr. Clatterbuck replied that he did not own that land. Mr. Coates stated that there were at least 15 feet available within the State right-of-way. Mr. Clatterbuck stated that he would be glad to provide improvements to that road in the interest of safety if he could stay within the State right-of-way and obtain the necessary permission.

Mr. Coates pointed out that there were several issues that needed to be addressed, such as the improvements to Alphin Lane. He said it should have been addressed previously and this would be the opportune time to correct it. He noted that the Board or a future Board would have to deal with the zoning of this property, as well as the adjoining property.

Mr. Walker moved, seconded by Mr. Lee, to postpone the request for 30 days.

Mr. Coates asked whether the proposed Comprehensive Plan addressed the particular area with one-acre lots. Mr. Egertson stated that the new Comprehensive Plan probably would not support the existing zoning, but the zoning had been placed there in 1989 and was still valid.

Mr. Bossio asked whether consideration of the conservation easement was to be given further consideration.

Mr. Maddox stated that the conservation easement was something that Mr. Bouquet should explore with his attorney since he was looking at a variety of options that would have financial significance. He agreed it would be beneficial to all parties concerned, but he would not recommend tying the conservation easement to the resolution of this request.

Mrs. Hansohn expressed her concern that all of the residents of Rillhurst were not made aware of the proposal, and she asked that all residents be informed.

Mr. Coates pointed out that there was a stub at the point of a 90-degree turn where Rillhurst Drive ended. Mr. Egertson stated that the sub had been eliminated. Mr. Coates asked that the 90-degree turn on that street should be flagged for further consideration due to the safety issues.

[Mr. Chase left the meeting at 12:20 p.m.]

Mr. Coates called for voice vote.

Ayes - Coates, Lee, Walker

Nays - Hansohn, Rosenberger

Abstain - Nixon

Absent - Chase

Motion carried 3 to 2.

Mr. Coates stated that an item in the Administrator's Report would be heard prior to the break for luncheon.

ADMINISTRATOR'S REPORT

Mr. Bossio reported that the County was involved in a relief effort for the victims of Hurricane Katrina. He said the library was being used as a staging place for collection of dry goods, and Mrs. Hansohn had been actively involved in that process, as well as several members of the County staff and employees from the Commissioner of the Revenue's Office. He noted that fuel was being donated by Southern States for the truck transporting the donations.

Mr. Bossio also reported that Brunswick County had committed \$25,000 to the relief effort and, through VACo, had challenged every County in Virginia to match that commitment.

Mr. Bossio asked Mrs. Hansohn to discuss a proposal to provide housing for some of the hurricane victims who lost their homes.

Mrs. Hansohn said that she received a call last week from one of her constituents, a landlord, who asked how he and other landlords could provide free space to a couple of families for six to eight months until they could get back on their feet. She said she discussed this with Mr. Sam Aitken of the Culpeper Community Development Corporation (CCDC), who already had the same idea. She asked Mr. Aitken to share his ideas with the Board.

Mr. Aitken stated that there was room in the CCDC shelter at the present time for one family, and he could assist a few more families with housing as it became available. He said the Homeless Intervention Program could provide rental assistance for many families until the funds were depleted. He stated he had discussed this with a number of people who agreed to take families into their homes, and he could provide some rental reimbursement for those who requested it.

Mrs. Hansohn and Mr. Lee discussed the appropriate conduit for receiving and disseminating information to the Red Cross. Mr. Lee stressed that all efforts should be coordinated.

Mr. Aitken volunteered to serve as a clearinghouse to place the homeless with families or in other housing. He said he would also contact the newspapers in order to publicize the effort.

Mr. Coates agreed with Mr. Lee that coordination was necessary, and he expressed his appreciation to Mr. Aitken for his cooperation.

Mr. Nixon moved, seconded by Mrs. Hansohn, to support Mr. Aitken's initiative in placing families into appropriate housing.

Mrs. Hansohn volunteered to help Mr. Aitken in these efforts.

Mr. Walker suggested that the Red Cross be included in the process. Mrs. Hansohn agreed that she and Mr. Aitken would contact the Red Cross. Mr. Walker also suggested that the School System's public relations officer be utilized to disseminate information to the public.

Mr. Bossio stated he did not foresee any problems in having the newspapers publicize the information. He said it was his understanding that the action being proposed was that the Board was in support of having Mr. Aitken serve as the point of contact to match people with resources, and all efforts would be coordinated through the Red Cross.

Mr. Lee suggested that radio and television be used also since many people did not read the newspapers.

Mrs. Hansohn stated that Mr. "Peanut" McAllister had volunteered his truck and his time to deliver the donated goods to Ocean Springs, Mississippi, the small town that Culpeper was helping. Mr. Bossio added that the effort had been coordinated by the Lutheran Church.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Nixon moved, seconded by Mrs. Hansohn, to make a \$25,000 contribution to the hurricane relief effort.

Mr. Bossio stated that the funds would be sent to VACo and VACo will coordinate donations through the Red Cross.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Coates recessed the meeting at 12:40 p.m. for a lunch break.

Mr. Coates called the meeting back to order at 2:15 p.m.

APPROPRIATION OF RETURN OF SAVINGS ON VPSA BONDS

Mr. Bossio explained that the Board had previously discussed the return of savings through the VPSA (Virginia Public School Authority) bonds in the amount of \$217,405.94. He said the Board was now being asked to appropriate the funds to a school-related project. He said a portion of the funds could also be used for the school's portion of a technology plan for the future.

Mrs. Valerie H. Lamb, Finance Director, stated that VPSA stipulated that the funds could not be used for existing debt service, but could be used to reduce down the borrowing for a potential project; and the funds must be used within six months of July 5, 2005, the date of the resolution.

Mr. Bossio pointed out that the funds could be used to pay for a portion of the Building in the Middle, architects' fees for the new high school, and other types of school projects.

Mr. Coates asked whether the funds could be used for school roadway improvements. Mr. Bossio replied that they could have been, but road improvements could not be done in six months.

Mr. Hansohn asked for additional information regarding the technology plan.

Mr. Bossio reviewed discussions held approximately three or four months ago regarding the need for a technology plan for the new high school, as well as tying the entire School System's technology into the County's technology for transparency and the capability to handle financial transactions. He said staff met last week with Virtual IT to discuss the formulation of a strategic plan regarding future technology needs for the entire County, and the schools could be incorporated in that plan and done within six months.

Mrs. Hansohn asked whether the schools already had a technology plan. Mr. Bossio said he had seen no evidence of one. Mr. Walker said he had asked for information at the SOC meetings, but had never seen a plan.

Mr. Nixon asked how the County would determine that the funds for technology would actually be spent for that project. Mrs. Lamb stated that the checks would be cut by the County.

Mr. Nixon asked who would be directing the study. Mr. Bossio replied that the County would initiate the study. He said after the Board approved the funding for particular school projects, the funds would go into the School Capital Fund, with some portion pulled out for the School's portion of the technology plan and combined with the County's share.

Mr. Nixon stated it was his understanding there was no allocation for the soft costs for the Building in the Middle. Mr. Bossio stated there were \$2.3 million allocated for the construction of the Building in the Middle, which included architects' fees, and approximately

\$400,000 for soft costs to be paid from the School's excess funds from the Binns project.

Mrs. Hansohn moved, seconded by Mr. Nixon, to allocate the funds to the technology plan and the balance to buy down the \$2.3 million for the Building in the Middle.

Mrs. Lamb read Item A of the resolution approved by the Board: "It shall use the Distribution to pay for the cost of public school capital purposes within six months of the date hereof and that public school capital purposes shall be used in a manner consistent with the General Certificate Representations."

Mr. Nixon suggested that the motion be amended to earmark \$25,000 for the technology study and the balance to be used to buy down the debt. Mrs. Hansohn agreed.

Mr. Walker emphasized that the balance would be used to buy down the \$2.3 million of construction costs, and not soft costs.

Mr. Walker asked whether the County was in the process of borrowing the \$2.3 million. Mrs. Lamb stated that it was. She said when the County closed on the \$54 million bond, they would present a reimbursement form to the Trustee at that time, and the County would be reimbursed under the approved Reimbursement Resolution. She said at that time the County would draw those monies already spent on the high school and the Building in the Middle. She said draw down schedule would be given to the Trustee once a contractor was in place in order to draw funds on a regular basis to make payments out of the bond proceeds for the new high school.

After discussion regarding the amount to include in the motion for the technology study, it was agreed that the amount would not be specified.

Mrs. Hansohn amended the motion to approve a portion of the funds for the technology assessment of the Schools' needs, and the balance be used to buy-down the Building in the Middle. Mr. Nixon agreed to the amended motion.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase, Lee

Motion carried 5 to 0.

NEW BUSINESS

COMMITTEE REPORTS

RULES COMMITTEE REPORT - AUGUST 9, 2005

Mr. Walker reported that the Rules Committee met but had no action items to bring to the full Board.

See Attachment #1 for details of meeting.

PUBLIC WORKS COMMITTEE REPORT - AUGUST 9, 2005

Mrs. Hansohn reported that the Public Works Committee met several times to discuss an amendment to Chapter 14 of the County Code regarding individual wells. After several meetings, the Committee recommended that the proposed amendment be forwarded to the full Board for approval after being advertised for a public hearing. She asked Mr. Egertson to discuss the changes being proposed.

Mr. Egertson explained that when staff was revising Chapter 14 in the fall of last year, a question arose as to whether or not it would be feasible to restrict individual wells where there were central water supplies available. He said there was agreement to make the change because when individual wells were introduced on small lots in fairly dense subdivisions, there was the possibility of compromising the central water supply system not only from a quality or a quantity standpoint, but also from a financial liability standpoint. He said the change was made, and no problems were encountered until approximately six months ago when complaints were received, particularly in conjunction with the possible rate increases in a large number of the systems. He said a large contingent of citizens on central water supply systems approached the Public Works Committee asking that the County rescind its ordinance and allow individual wells to be drilled wherever the Health Department could permit them. He said he had not been in agreement with rescinding that ordinance or making that change, but after several meetings, staff was asked to develop a proposal that would be a reasonable compromise. He said the proposal before the Board for consideration was the compromise agreed upon, with two minor changes made after the Public Works Committee met.

Mr. Egertson stated that the proposal would still prohibit individual wells in subdivisions where there were central water supply systems that were established and available, but there would be exceptions to that if certain criteria were met [minor changes underlined]:

- a. The minimum lot size shall be one acre, which is supported by the Health Department.
The central water supply system must have been constructed and in operation prior to October 5, 2004, the date ordinance was changed. This would apply to approximately 40 of the older central water supply systems.
- c. A site plan which lays out the site, indicating the house location and any other structures, the primary and reserve drainfield areas, and the proposed well location on the subject lot and on all adjoining lot must be submitted to the Virginia Department of Health for review and approval. Such plan must be prepared by a licensed soil consultant or a

professional engineer to ensure that the well would not compromise adjoining property or the lot itself.

- d. The individual, on-lot well, if permitted, shall not be interconnected in any way to the central water supply system. If an individual, on-lot well is utilized, the property owner shall notify the owner of the central water system and shall immediately disconnect from the central system by capping lines and removing meters, if any. Physical disconnection shall be external to the dwelling at or near the service connection and shall be confirmed by the Virginia Department of Health.
- e. If the installation of an individual well is proven to have a negative influence on the quantity or quality of the water supplied by the central well system, it shall be capped and prohibited from use. The determination as to whether or not a negative influence has occurred due to installation of an individual well shall be made by Culpeper County in consultation with the Virginia Department of Health at its sole discretion. The property owner drilling the individual well shall agree in advance to abide by this provision and the County determination.

Mr. Egertson stated that the proposed amendment was ready for the Board's consideration for advertising for a public hearing.

Mr. Coates expressed his concern regarding having individual wells on only a one-acre lot because there would not be enough room to drill another well, if the first well failed.

Mr. Egertson stated that on a one-acre lot, approximately one-quarter of that acre would be dedicated to the drainfield, and the house and other buildings would have to meet the various setbacks. He said the Health Department indicated that usually a spot could be found to drill a well on an acre, but there would be a problem if that well failed, but there would always be the option of tapping back on to the central system.

Mr. Nixon expressed concern that if the Board were to ultimately approve the amendment, an increased financial burden would be placed on the owners of the central water systems, as well as to those individuals remaining on the central system. He felt the County would ultimately be asked to take over these systems. Mr. Egertson stated that financial viability was one of his major concerns, as well as the quality and quantity of the central system, but the criteria placed in the ordinance may curtail the rush for individual wells.

Mr. Nixon asked whether consideration had been given to bringing everybody together to contribute money to the operator to rebuild the system and have a third party oversee the construction to ensure the water quality was improved. Mr. Egertson replied that he was not

aware of such an effort. He pointed out that each system was in various stages of operating – from operating perfectly to desperately in need of total overhaul. He said it was the owner's responsibility to maintain the systems and that was the reason massive rate increases had been imposed.

Mr. Nixon asked whether the present owner had been allowed to collect the increased fees. Mr. Egertson replied that the SCC had permitted him to begin collecting the new rates, but the money had to be placed in escrow until the increases were either approved or denied within the next few weeks after the public hearings.

Mrs. Hansohn indicated that many of the central water systems had not been working for years, and she wanted serious consideration to be given to the proposed amendment allowing individuals to have their own wells.

Mrs. Hansohn moved, seconded by Mr. Walker, to move forward with advertising the proposed amendment for a public hearing.

Mr. Walker stated that Mr. Nixon had brought up an interesting point regarding the potential financial impact on the existing members of the central system if several members pulled out from the central system. He suggested the possibility that individuals drilling their own wells would be required to pay a service fee to the central water system operator to alleviate the burden of operating the system. Mr. Egertson replied that would be difficult to implement since all fees collected by the central water operator had to be approved by the State Corporation Commission. He said that Mr. Shepherd of the local Health Department felt that approximately 20 percent of individual on private systems would not qualify for an individual well, and many that did qualify would not want to spend the money to drill an individual well.

Mr. Rosenberger noted that in 1989, 97 percent of Culpeper County was zoned for one and two acre building lots, and when the County planned its comprehensive rezoning, the average lot size was recreated as three-acre lots. He said the average of three acres was used because that was the minimum needed to site the house, drill the well, and have a drainfield and spare drainfield. He did not feel one-acre lots would be sufficient for drilling private wells and having a number of drainfields in close proximity could create tremendous health problems. He said he believed that the County would ultimately be required to take over the operation of these private water systems and maintain them. He said this was the appropriate time to review the County's water requirements set forth in the Subdivision Ordinance to ensure that sufficient water was available prior to approving developments.

Mrs. Hansohn indicated when she asked the Health Department how many wells had

failed because of drainfields, they replied that they recalled only one having failed in 40 years, and that one was done before the regulations were in effect. She said that requiring central water systems for subdivisions with a certain number of lots concerned her because the County had no way to monitor the quality of the drinking water.

Mr. Rosenberger agreed that enforcement was not good and felt it probably was something that should have been brought to the attention of the County's representatives in the General Assembly at the recent Legislative meeting. He said there should be some changes in the *State Code* to allow localities enforcement ability of its regulations.

Mr. Coates stated he would support the motion, but he was concerned that if an individual drilled a well, and there was a water line on the property that served the neighbor, there needed to be some protection to maintain the line if there were no easement.

Mr. Walker suggested adding a statement at the end of item e, that access would be granted to maintain the lines should it become necessary. Mr. Egertson noted that the majority of the systems had water lines in the road easements and laterals on the individual's property, but there may be exceptions.

After a lengthy discussion regarding the issue of maintaining lines on a neighbor's property without an easement, Mr. Coates suggested that the issue be postponed for 30 days in order to obtain additional information.

Mrs. Hansohn amended her motion to postpone the issue for 30 days. Mr. Walker agreed to the amendment.

Mr. Nixon asked that staff also explore the legality of allowing wells on one-acre lots, when a developer might challenge the right to do the same. He said a developer could claim his central well system failed, and he needed to install individual wells on one-acre lots. Mr. Egertson agreed that could occur, but central water supply systems were required in any major subdivision with any lots under one acre because of the density in lot development and because it was more environmentally sound.

Mrs. Hansohn pointed out that the County would be placing stringent regulations on new community wells, and she did not believe there would be as many issues raised in the future. Mr. Bossio stated that standards would be the key to that issue, not just instituting standards but in executing them to ensure that quality of the water was maintained.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase, Lee

Motion carried 5 to 0.

Mrs. Hansohn invited the Board to the meetings with the State Corporation Commission and private water system owners on September 19, at 2:00 p.m. and 7:00 p.m., in the Board room. She said it would be an excellent opportunity to hear from the citizens regarding their issues.

See Attachment #2 for details of meeting.

LEGISLATIVE COMMITTEE MEETING REPORT - AUGUST 2, 2005

Mr. Rosenberger reported that the Legislative Committee met and all Board members were in attendance, and the Committee was fortunate to have had both Senator Edd Houck and Delegate Ed Scott participate. He explained the purpose of the meeting was to make them aware of the County's legislative package before the General Assembly session began. He said the information presented was very well received, and their participation was appreciated.

Mr. Walker added that both Senator Houck and Delegate Scott were pleased to be invited early instead of later, and he agreed it was a good meeting.

See Attachment #3 for details of meeting.

ECONOMIC DEVELOPMENT REPORT

Mr. Carl Sachs, Director of Economic Development, presented the following report:

1. Work Force Study. A copy of the RFP's Scope of Work was provided in order to identify a consultant to complete a labor/commuting study, previously approved by the Board.
2. Farm Service Agency Office. At the request of the Agricultural Resource Advisory Committee, a letter was sent to the Farm Service Agency requesting that the Culpeper Office not be closed.
3. Work Where You Live. Work with the Chamber of Commerce was continuing on this project. The Chamber's Business Development Committee established a web site design committee and a marketing committee, and the Economic Development Director will serve on both in an advisory role.
4. Prospect Responses. During July, the Economic Development Office responded to 58 inquiries from marketing pieces for additional information.
5. Luncheon Guest. Because of the Hospital lunch and tour, no business guest was invited to this month's meeting.

Mr. Nixon asked who would be paying for the work force study. Mr. Sachs replied that the Economic Development Department would pay for the study.

Mr. Nixon asked if there was an estimate regarding the cost of the study. Mr. Sachs replied that he estimated the cost of the study to be approximately \$30,000, which was the cost of the last study.

AIRPORT ADVISORY COMMITTEE REPORT – AUGUST 10, 2005

Mr. Bossio reported that the Airport Advisory Committee met and there were no items to forward to the full Board. He invited members of the Board to attend Air Fest 2005, to be held on October 8 at the Airport.

ADMINISTRATOR'S REPORT (Continued)

Mr. Bossio called the Board's attention to a letter signed by Ms. Lou Ann Carithers, President of the Culpeper 4th of July Event Committee, addressed to him and Mr. J. Brannon Godfrey, Jr., Town Manager. He said the letter was notification that the Committee had resigned from the coordination and implementation of the 4th of July Celebration effective immediately. He stated the Committee had kept extensive planning notebooks, which would be available to whomever assumed the responsibilities, as well as an offer to consult and provide advice as the process proceeded. He said he would be meeting with Mr. Godfrey and would keep the Board advised.

CLOSED SESSION

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) An appointment to the Agricultural Resource Advisory Committee, and (B) a resignation from the Parks & Recreation Advisory Committee, and re-advertisement to fill the vacancy.
2. Under *Virginia Code* §2.2-3711(A)(7) & (A)(30), for discussion with legal counsel and Staff to consider entering into one or more agreements with another public entity, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
3. Under *Virginia Code* §2.2-3711(A)(3) & (A)(30), for discussion with legal counsel and staff of the status of negotiations regarding river property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
4. Under *Virginia Code* §2.2-3711(A)(3), for discussion with legal counsel and staff of the status of negotiations regarding the purchase of specific real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

Mr. Rosenberger seconded.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase, Lee

Motion carried 5 to 0.

Mr. Coates asked the record show that Mr Chase and Mr. Lee would not be attending the closed session.

The Board entered into closed session at 3:30 p.m.

The Board returned to open session at 4:56 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes - Walker, Coates, Nixon, Rosenberger, Hansohn.

RE: APPOINTMENT TO THE AGRICULTURAL RESOURCE ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mr. Rosenberger, to appoint G. Eric Holter to the Agricultural Resource Advisory Committee.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase, Lee

Motion carried 5 to 0.

RE: RESIGNATION FROM THE PARKS & RECREATION ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mr. Walker, to regretfully accept the resignation of Christopher H. Snider from the Parks & Recreation Advisory Committee, and to authorize the readvertisement to fill the vacancy.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase, Lee

Motion carried 5 to 0.

ADJOURNMENT

Mrs. Hansohn moved, seconded by Mr. Nixon, to adjourn at 5:00 p.m.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase, Lee

Motion carried 5 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

Approved: October 4, 2005